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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,111	01/17/2002	Joseph A. Schrader	164052.04	3342

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MICROSOFT CORPORATION  
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REDMOND, WA 98052-6399

EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/11/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/11/2007.

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**Office Action Summary**

Application No.

10/052,111

Applicant(s)

SCHRADER ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/8/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ellis et al (2002/0054068)**.

As to claim 46, note the **Ellis** reference figures 1, 3 and 10+, discloses system and methods for reducing cut-offs in program recording and further discloses a method for extending a duration of a record time of broadcast being recorded by digital video recording apparatus (STB-72), comprising the steps of:

Receiving (STB-72 fig. 1 and 3) enhanced user alert and a speculative use alert (see Status 1104, figs. 11a-11c and 12a+) during the broadcast program, live or real-time program, Sports, VOD, PPV, music, etc., or a televised event and at least one unique event identifier associating the user alert with the broadcast program or the television event, where the user alert contains metadata concerning the duration the program (figs.12-15, page 2, [0010-0012], [0046-0048], [0068-0075], [0077-0080] and [0082-0086]);

Processing by the recording system (STB-72) the user alert to determine an extended record time duration for the broadcast program; and automatically changing the record time of the broadcast program to the extended time duration (figs.13-15, [0068-0075], [0077-0080] and [0082-0086]).

As to claim 47, the claimed "A method of altering a duration of a determined record time of a televised sporting event..." is composed of the same structural elements that were discussed with respect to the rejection of claim 46.

As to claim 48, the claimed "A method for automatically recording a televised event ..." is composed of the same structural elements that were discussed with respect to the rejection of claim 46.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-11 and 13-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Jain et al (6,144,375)**.

As to claim 5, note the **Alexander** reference figures 1 and 5-10, discloses system and method for displaying and recording control interface with television programs and further discloses a computer product for use in a network environment having at least one client system (Information Box or TV Receiver 'TVR' 24) and one broadcast server

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(Head end) coupled to the network environment, where the network environment is a distributed environment capable of delivering broadcast television programming, the computer program product comprising:

A computer usable medium (Processor of TVR-24) having computer readable code embodied there for causing the client system (TVR-24) to receive the television programming and to receive dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, where the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming or according to user defined preferences (col.12, lines 11-43, col.19, lines 5-12 and col.31, lines 34-61), note that the viewer can instruct the EPG to record based on the viewer's preferences, e.g., 4 hours of CNN news broadcasts certain number and further based on rules apply to a particular type of content, such as news (international or national), sports, entertainment, business and finance, weather, etc.;

Computer readable code for causing the client system to store at least a portion of the television programming as at least one program segment on a storage medium (VCR, DVD or RAM, col.11, lines 9-55, col.12, lines 11-43 and col.33, line 44-col.34, line 25);

Computer readable program code for performing a search for the at least one program segment based on the associated program index (col.12, lines 11-43 and col.19, lines 5-12); and Computer readable program code for causing the client system

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to display the at least one television program segment (col.12, lines 11-32 and col.19, lines 5-12).

Alexander, teaches storing a library of ads and other enhanced data or events locally, assigns to particular television programs or classes of television programs, retrieves and displays the ads and other event data, during in-progress programs and permits a viewer to retrieve portions of recorded program for viewing (col.32, lines 4-7, lines 35-60, col.33, line 38-col.34, line 25 and line 36-col.35, line 12), but fails to explicitly teach associating one of the program indices with at least one stored program segment or with corresponding intervals in the recorded program

However, note the **Jain** reference figures 1-8, discloses multi-perspective viewer for content-based interactivity and further discloses using one or more rules for indexing or programs and associating one of the program indices with at least one stored program segment, further associate event log indices with corresponding interval in the recorded program and permits a viewer to playback various portions of the program using VCR-like functions (figs.7, 8, col.6, lines 27-62, col.8, line 36-59, col.9, line 40-59, col.16, lines 1-59, col.18, line 53-col.19, line 8 and col.22, line 16-col.24, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Jain into the system of Alexander to provide the viewer with more intuitive interactive viewing of various portions of the recorded multimedia events or to allow the user to play any part of the video segment as desired.

As to claim 6, Alexander further discloses where the dynamic content includes control data associating the dynamic content with at least one user interface (col.12, lines 33-43).

Claims 7-9 are met as previously discussed with respect to claim 5.

As to claims 10-11, Alexander further discloses where the dynamic content received by the client system further includes an event-based indicator, and where the computer program product further comprises computer readable program code for adjusting the record time of a television program based upon the event-based indicator, comprises computer readable program code for extending the record time based on the event-based indicator and recording the televised program based upon the event-based indicator (col.11, line 64-col.12, line 9).

As to claim 13, Alexander further discloses where the dynamic content received by the client system includes an event-based indicator, and where the computer program product further comprises computer readable program code for causing the client system to automatically record a television program based upon the receipt of the event-based indicator (col.11, lines 64-col.12, lines 9).

As to claim 14, note the **Alexander** reference figures 1 and 5-10, discloses system and method for displaying and recording control interface with television programs and further discloses a method for creating digital video recording enhancements for a television program comprising the steps of:

(Head end 'HE' or Broadcaster 'BC' col.2, lines 62-67) creating program event log indices marking events in the program, where the program indices are developed

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according to one or more rules that apply to a particular type of event captured by the television programming or according to user defined preferences; Creating one or more control files associated with the program event log indices to facilitate receipt of user input at a client system (col.12, lines 11-43, col.18, lines 13-37, line 58-col.19, line 12, col.29, lines 14-21 and col.31, lines 48-61), note that the viewer can instruct the EPG to record based on the viewer's preferences, e.g., 4 hours of CNN news broadcasts certain number and further based on rules apply to a particular type of content, such as news (international or national), sports, entertainment, business and finance, weather, etc.;

(HE or BC) Transmitting the program event log indices and one or more control files to the client to enable the client system (TVR-24) to perform an intelligent filter based on processing of the program event log indices in response to user input (col.12, lines 11-43, col.18, line 58-col.19, line 12 and col.31, lines 48-61).

Alexander, teaches storing a library of ads and other enhanced data or events locally, assigns to particular television programs or classes of television programs, retrieves and displays the ads and other event data, during in-progress programs and permits a viewer to retrieve portions of recorded program for viewing (col.32, lines 4-7, lines 35-60, col.33, line 38-col.34, line 25 and line 36-col.35, line 12), but fails to explicitly teach where the client system performs an intelligent filtering on processing of the event log indices in response to a user input.

However, note the **Jain** reference figures 1-8, discloses multi-perspective viewer



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for content-based interactivity and further discloses using one or more rules for indexing or programs and performs an intelligent filtering on processing of the event log indices in response to a user input, using VCR-like functions (figs.7, 8, col.6, lines 27-62, col.8, line 36-59, col.9, line 40-59, col.16, lines 1-59, col.18, line 53-col.19, line 8 and col.22, line 16-col.24, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Jain into the system of Alexander to provide the viewer with more intuitive interactive viewing of various portions of the recorded multimedia events or to allow the user to play any part of the video segment as desired.

As to claims 15-17, Alexander further discloses where the program event log indices are created as the program is broadcast, transmitted to the client system in real-time and transmitted after the recording (col.14, line 48-col.15, line 31, col.18, line 13-37, line 58-col.19, line 29 and col.32, line 35-col.33, line 1+).

As to claims 18-24, Alexander further discloses where the program-specific rules relate to sporting events, football, news events, televised movies, preview programs and infomercials (col.12, lines 25-29, col.18, line 58-col.19, line 29, line 48-col.20, line 12 and lines 60-65).

As to claim 25, Alexander further discloses where the event log indices are transmitted in a format that enables the client system to define multiple playback modes of operations (col.2, lines 63-67 and col.12, lines 10-43)

As to claim 26-27, Alexander further discloses where the event log indices are formatted in the Extensible Markup Language and transmitted to the client system in a batch mode (col.8, lines 19-64 and col.29, line 14-col.30, line 16)

As to claim 28, Alexander further discloses where the additional versions of the program log indices are transmitted to the client system in a batch mode (col.8, lines 19-64 and col.29, line 14-col.30, line 16)

As to claim 29, Alexander further discloses where the event log indices are transmitted in a peer-to-peer networking environment ((col.8, lines 19-64).

As to claim 30, Alexander further discloses where one or more control files are used to create a playback application by the client system (col.12, lines 11-21).

As to claims 31-32, the claimed "a method for processing video recording enhancements in a client system..." is composed of the same structural elements that were discussed with respect to the rejection of claim 5.

As to claims 33-35, the claimed "a method for enabling an intelligent skip feature in digital video recording apparatus that is capable of storing one or more programs..." is composed of the same structural elements that were discussed with respect to the rejection of claim 5.

As to claim 36, the claimed "a digital recording device operable to perform an intelligent skip..." is composed of the same structural elements that were discussed with respect to the rejection of claim 5.

As to claim 37, **Alexander** further discloses a method for playing back digitally recorded programming in an audio/video entertainment system comprising the steps of:

(Information Box or TV Receiver 'IB' 24) Receiving enhanced content including preview information concerning at least one broadcast television program to be watched/recorded (figs.1, 5-10), where the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming or according to user defined preferences; associating the enhanced content with the at least one broadcast television program, storing the program and enhanced content and the index information concerning the digitally recorded program (col.2, line 62-col.3, line 20, col.12, lines 11-43, col.19, lines 5-12 and col.31, lines 34-61), note that the viewer can instruct the EPG to record based on the viewer's preferences, e.g., 4 hours of CNN news broadcasts certain number and further based on rules apply to a particular type of content, such as news (international or national), sports, entertainment, business and finance, weather, etc.;

Creating a playback application including functionality for creating an interactive user interface on a video display presenting the interactive user interface of a selector button (Buttons 44 or 46) on a video display (Display 10, col.3, lines 1-20, col.4, lines 28-48, col.7, line 66-col.8, line 17 and col.12, lines 10-29);

In response to viewer selection of the selector button, causing the entertainment system to automatically locate at least one of the plurality of indices and presenting digitally recorded programming corresponding to the at least one located index (col.12, lines 10-29 and col.31, lines 34-61).

Alexander, teaches storing a library of ads and other enhanced data or events locally, assigns to particular television programs or classes of television programs,

retrieves and displays the ads and other event data, during in-progress programs and permits a viewer to retrieve portions of recorded program for viewing (col.32, lines 4-7, lines 35-60, col.33, line 38-col.34, line 25 and line 36-col.35, line 12), but fails to explicitly receiving enhanced content concerning the recorded programming and associating the enhanced content with the index information.

However, note the **Jain** reference figures 1-8, discloses multi-perspective viewer for content-based interactivity and further discloses using one or more rules for indexing or programs and associating the enhanced content with the index information (col.6, lines 27-62, col.8, line 36-59, col.9, line 40-59, col.16, lines 1-59, col.18, line 53-col.19, line 8 and col.22, line 16-col.24, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Jain into the system of Alexander to provide the viewer with more intuitive interactive viewing of various portions of the recorded multimedia events or to allow the user to play any part of the video segment as desired.

As to claim 38, Alexander further discloses recording broadcast television programming while the interactive user interface is being presented (col.11, line 9-col.12, line 43, line 53-col.13, line 33).

As to claims 39-41, Alexander further discloses where the playback application includes, markup language files, graphics files, picture files, scripting files, index files and other data and receiving the index file occur after the programming has been

broadcast and receiving index information occur during a broadcast of programming (col.11, line 9-col.12, line 43, line 53-col.13, line 33).

As to claim 42, the claimed "A computer program product for use in a network environment having at least one client system and one broadcast server coupled to the network environment..." is composed of the same structural elements that were discussed with respect to the rejection of claim 37.

Claims 43-45 are met as previously discussed with respect to claims 39-41.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** in view of **Jain et al (6,144,375)** as applied to claim 10 above, and further in view of **Ellis et al (2002/0054068)**.

As to claim 12, Alexander as modified by Jain, fail to explicitly teach reducing the recording time.

However, Ellis teaches reducing the recording time ([0068-0075], [0077-0080] and [0082-0086]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Alexander as modified by Jain to reduce the cut-off of other adjacent recordings.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 5-48 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the

independent claims necessitated the new ground(s) of rejection discussed above. **This office action is made final.**

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knudson et al (2005/0204388) discloses series reminders and series recording from an interactive TV program guide.

Ellis et al (2004/0117831) discloses interactive TV guide system and method with niche hubs.

Yeo (6,711,741) discloses random access video playback system on a network.

Sezan et al (6,236,395) disclose audiovisual information management system.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

**Annan Q. Shang**